

Introduced by Senator Chesbro
(Principal coauthor: Assembly Member Evans)

February 21, 2006

An act to amend Sections 23039, 23320, and 23396 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

SB 1380, as introduced, Chesbro. Alcoholic beverages: licenses: on-sale wine.

The Alcoholic Beverage Control Act contains various provisions regulating the application for, the issuance of, the suspension of, and the conditions imposed upon, alcoholic beverage licenses by the Department of Alcoholic Beverage Control. Existing law provides for various annual fees for the issuance of alcoholic beverage licenses depending upon the type of license issued.

This bill would add an on-sale wine license to the Alcoholic Beverage Control Act. This bill would regulate the on-sale wine license in a similar manner as the on-sale beer license, as provided.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 23039 of the Business and Professions
- 2 Code is amended to read:
- 3 23039. (a) "Public premises" means:
- 4 (1) Premises licensed with any type of license other than an
- 5 on-sale beer license *or on-sale wine license*, and maintained and
- 6 operated for the selling or serving of alcoholic beverages to the
- 7 public for consumption on the premises, and in which food shall

1 not be sold or served to the public as in a bona fide public eating
2 place, but upon which premises food products may be sold or
3 served incidentally to the sale or service of alcoholic beverages,
4 in accordance with rules prescribed by the department.

5 (2) Premises licensed with an on-sale beer license *or on-sale*
6 *wine license*, in which food shall not be sold or served to the
7 public as in a bona fide public eating place, and in which
8 sandwiches, salads, desserts, and similar short orders shall not be
9 sold and served, in accordance with rules prescribed by the
10 department.

11 (b) “Public premises” does not include railroad dining or club
12 cars, passenger ships, airplanes, or bona fide clubs after the clubs
13 have been lawfully operated for not less than one year; nor does
14 it include historic units of the state park system, premises being
15 operated under a temporary on-sale beer license *or temporary*
16 *on-sale wine license* other than permitted pursuant to Section
17 24045.5, or on-sale beer licensed *or on-sale wine licensed* stadia,
18 auditoria, fairgrounds, or racetracks; nor does it include nonprofit
19 theater companies licensed pursuant to Section 24045.7.

20 SEC. 2. Section 23320 of the Business and Professions Code
21 is amended to read:

22 23320. (a) The following are the types of licenses and the
23 annual fees to be charged therefor:
24

	Fee Effective	Fee Effective	Fee Effective
Name & License Type Number:	01/01/02	01/01/03	01/01/04

1	(1) Beer manufacturer:			
2	(a) Beer manufacturers			
3	that produce 60,000			
4	barrels or less a year			
5	(Type 23).....	\$127.00	\$134.00	\$140.00
6	(b) All other beer			
7	manufacturers			
8	(Type 1).....	\$1,043.00	\$1,098.00	\$1,153.00
9	(c) Branch Office			
10	—Small Beer			
11	Manufacturers			
12	(Type 23D).....	\$69.00	\$71.00	\$73.00
13	—Beer Manufacturers			
14	(Type 1D).....	\$69.00	\$71.00	\$73.00
15	(2) Winegrower or wine			
16	blender (to be			
17	computed only on the			
18	gallons produced			
19	or blended) (Type 2 &			
20	Type 22)			
21	—5,000 gallons or			
22	less.....	\$34.00	\$44.00	\$54.00
23	—Over 5,000 gallons			
24	to 20,000 gallons per			
25	year.....	\$65.00	\$80.00	\$99.00
26	—Over 20,000 to 100,000			
27	gallons per year.....	\$130.00	\$155.00	\$180.00
28	—Over 100,000 to			
29	200,000 gallons per			
30	year.....	\$180.00	\$205.00	\$237.00
31	—Over 200,000 gallons			
32	to 1,000,000 gallons			
33	per year.....	\$250.00	\$300.00	\$351.00
34	—For each 1,000,000			
35	gallons or fraction			
36	thereof over 1,000,000			
37	g a l l o n s a n	\$170.00	\$200.00	\$229.00
38	additional..... Winegrower			
39	(Branch	\$69.00	\$71.00	\$73.00

1	Office) - (Type 2D).....			
2	(3) Brandy manufacturer			
3	(Type 3).....	\$212.00	\$223.00	\$234.00
4	Brandy manufacturer			
5	(Branch Office)			
6	(Type 3D).....	\$204.00	\$210.00	\$215.00
7	(4) Distilled spirits			
8	manufacturer (Type 4).....	\$348.00	\$366.00	\$384.00
9	(5) Distilled spirits			
10	manufacturer's agent			
11	(Type 5).....	\$348.00	\$366.00	\$384.00
12	(5a) California winegrower's			
13	agent (Type 27).....	\$348.00	\$366.00	\$384.00
14	(6) Still (Type 6).....	\$33.00	\$46.00	\$58.00
15	(7) Rectifier (Type 7).....	\$348.00	\$366.00	\$384.00
16	(7a) Distilled spirits			
17	rectifier's general license			
18	(Type 24).....	\$348.00	\$366.00	\$384.00
19	(8) Wine rectifier			
20	(Type 8).....	\$348.00	\$366.00	\$384.00
21	(9) Beer & wine importer			
22	(Type 9).....	\$25.00	\$42.00	\$58.00
23	(10) Beer & wine importer's			
24	general license (Type			
25	10).....	\$147.00	\$202.00	\$256.00
26	(11) Brandy importer			
27	(Type 11).....	\$25.00	\$42.00	\$58.00
28	(12) Distilled spirits			
29	importer (Type 12).....	\$25.00	\$42.00	\$58.00
30	(13) Distilled spirits			
31	importer's general license			
32	(Type 13).....	\$348.00	\$366.00	\$384.00
33	(14) Public warehouse			
34	(Type 14).....	\$33.00	\$46.00	\$58.00
35	(15) Customs broker			
36	(Type 15).....	\$33.00	\$46.00	\$58.00
37	(16) Wine broker (Type 16).....	\$71.00	\$75.00	\$78.00
38	(17) Beer & wine wholesaler			
39	(Type 17).....	\$147.00	\$202.00	\$256.00

1	(18) Distilled spirits			
2	wholesaler (Type 18).....	\$348.00	\$366.00	\$384.00
3	(18a) California brandy			
4	wholesaler (Type 25).....	\$348.00	\$366.00	\$384.00
5	(19) Industrial alcohol			
6	dealer (Type 19).....	\$71.00	\$75.00	\$78.00
7	(20) Retail package off-sale			
8	beer & wine (Type 20).....	\$105.00	\$157.00	\$209.00
9	(21) Retail package off-sale			
10	general license (Type 21)			
11	and controlled access			
12	cabinet permit (Type 66).....	\$431.00	\$448.00	\$464.00
13	(22) On-sale beer (Type			
14	40 & Type 61); <i>On-</i>			
15	<i>sale wine (Type —);</i>			
16	On-sale			
17	beer & wine (Type 42);			
18	Special on-sale beer &			
19	wine (Theater) (Type 69);			
20	and Special on-sale			
21	beer & wine (Symphony)			
22	(Type 65).....	\$204.00	\$210.00	\$215.00
23	(23) On-sale beer & wine			
24	eating place (Type 41).....	\$236.00	\$263.00	\$290.00
25	(24) On-sale beer & wine			
26	license for trains (per			
27	train) (Type 43).....	\$48.00	\$68.00	\$87.00
28	(25) On-sale beer license for			
29	fishing party boats (per			
30	boat) (Type 44).....	\$59.00	\$73.00	\$87.00
31	(26) On-sale beer & wine			
32	license for boats (per			
33	boat) (Type 45).....	\$75.00	\$81.00	\$87.00
34	(27) On-sale beer & wine			
35	license for airplanes (per			
36	scheduled flight)			
37	(Type 46).....	\$48.00	\$68.00	\$87.00

1	(28) On-sale general license			
2	(Types 47, 48, 57, 70, 75,			
3	78, 78D (for 78D see			
4	Section 23396.2)) and			
5	club caterer's permit			
6	(Type 58):			
7	—In cities of 40,000			
8	population or			
9	over.....	\$698.00	\$715.00	\$731.00
10	—In cities of less than			
11	40,000 but more			
12	than 20,000			
13	population.....	\$503.00	\$520.00	\$536.00
14	—In all other			
15	localities.....	\$443.00	\$460.00	\$476.00
16	Duplicate on-sale general			
17	license (Types 47D, 48D,			
18	57D) and portable bar			
19	license (Type 68):			
20	—In cities of 40,000			
21	population or over.....	\$499.00	\$513.00	\$526.00
22	—In cities of less than			
23	40,000 but more than			
24	20,000 population.....	\$295.00	\$303.00	\$311.00
25	—In all other			
26	localities.....	\$233.00	\$239.00	\$245.00

1	(29) On-sale general license			
2	for seasonal business			
3	(Type 49):			
4	—In cities of 40,000			
5	population or over (per			
6	quarter).....	\$176.00	\$181.00	\$186.00
7	—In cities of less than			
8	40,000 but more than			
9	20,000 population (per			
10	quarter).....	\$126.00	\$129.00	\$132.00
11	—In all other localities			
12	(per quarter).....	\$109.00	\$112.00	\$115.00
13	Duplicate on-sale general			
14	license for seasonal			
15	business (Type 49D):			
16	—In cities of 40,000			
17	population or over (per			
18	quarter).....	\$126.00	\$129.00	\$132.00
19	—In cities of less than			
20	40,000 but more than			
21	20,000 population (per			
22	quarter).....	\$74.00	\$76.00	\$78.00
23	—In all other localities			
24	(per quarter).....	\$59.00	\$61.00	\$62.00

1	(30) (a) On-sale general			
2	license for bona fide			
3	clubs, (b) Club license			
4	(issued under Article 4 of			
5	this chapter), or			
6	(c) Veterans' club license			
7	(issued under Article 5			
8	(commencing with			
9	Section 23450) of this			
10	chapter) (Types 50, 51,			
11	52, & 64):			
12	—In cities of 40,000			
13	population or over.....	\$400.00	\$411.00	\$422.00
14	—In cities of less than			
15	40,000 but more than			
16	20,000 population.....	\$301.00	\$309.00	\$317.00
17	—In all other			
18	localities.....	\$267.00	\$274.00	\$281.00
19	(31) On-sale general license			
20	for trains and sleeping			
21	cars (Type 53).....	\$156.00	\$160.00	\$164.00
22	—Duplicate on-sale			
23	general license for			
24	trains and sleeping car			
25	companies			
26	(Type 53D).....	\$46.00	\$52.00	\$58.00
27	(32) On-sale general license			
28	for boats (Type 54).....	\$402.00	\$413.00	\$424.00
29	(33) On-sale general license			
30	for airplanes (Type 55).....	\$402.00	\$413.00	\$424.00
31	—Duplicate on-sale			
32	general license for air			
33	common carriers			
34	(Type 55D).....	\$32.00	\$45.00	\$58.00

(34) On-sale general license for vessels of more than 1,000 tons burden (Type 56) and for Maritime Museum (Type 76).....	\$156.00	\$160.00	\$164.00
—Duplicate on-sale general license for vessels of more than 1,000 tons burden (Type 56D) and for Maritime Museum (Type 76D).....	\$46.00	\$52.00	\$58.00
(35) On-sale general bona fide public eating place intermittent dockside license for vessels of more than 7,000 tons displacement (Type 62).....	\$435.00	\$447.00	\$459.00
(36) On-sale special beer & wine license for hospitals, convalescent homes, and rest homes (Type 63).....	\$68.00	\$70.00	\$72.00
(37) On-sale beer & wine seasonal (Type 59) and on-sale beer seasonal (Type 60) —Operating period 3-9 months.....	\$161.00	\$171.00	\$180.00
—Operating period 3-6 months.....	\$108.00	\$115.00	\$122.00

(b) Beginning January 1, 2005, and each January 1 thereafter, the department may adjust each of the fees specified in the foregoing section by increasing each fee by an amount not to exceed the percentage that the Consumer Price Index (United States Bureau of Labor Statistics, West Region, All Urban Consumers, All Items, Base Period 1982–84=100) for the preceding April 2003, and each April annually thereafter, has increased under the same index over the month of April 2002,

1 which shall be the base period. No fee shall be decreased
2 pursuant to this adjustment below the fee currently in effect on
3 each December 31. In the event that this index is discontinued,
4 the department shall consult with the Department of Finance to
5 convert the increase calculations to an index then available.
6 When approved by the Department of Finance, the new index
7 shall replace the discontinued index.

8 (c) The department shall calculate the percentage increase as
9 specified in subdivision (b) and shall apply this increase to each
10 fee. The increase to each fee shall be rounded to the nearest
11 whole dollar. The adjusted fee list shall be published by the
12 department and transmitted to the Legislature for approval as part
13 of the department's budget submission for the fiscal year in
14 which the adjusted fees would be implemented. This adjustment
15 of fees and publication of the adjusted fee list is not subject to the
16 requirements of Chapter 3.5 (commencing with Section 11340)
17 of Part 1 of Division 3 of Title 2 of the Government Code.

18 SEC. 3. Section 23396 of the Business and Professions Code
19 is amended to read:

20 23396. Any on-sale license authorizes the sale of the
21 alcoholic beverage specified in the license for consumption on
22 the premises where sold. No alcoholic beverages, other than
23 beers *or wine*, may be sold or served in any bona fide public
24 eating place for which an on-sale license has been issued unless
25 the premises comply with the requirements prescribed in Section
26 23038, 23038.1, or 24045.1.